

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CITIZENS FINANCIAL GROUP, INC.,

Plaintiff,

- against -

CLARE MILLS, and JOHN DOE NOS. 1-10,

Defendants.

04 11985 DPW  
Civil Action No. \_\_\_\_\_

MAGISTRATE JUDGE Dein

FILING FEE PAID:  
RECEIPT # 59007  
AMOUNT \$ 150  
BY DPTY CLK ell  
DATE 9-14-04

**COMPLAINT**

1. Plaintiff Citizens Financial Group, Inc. ("CFG") brings this action for declaratory and other relief against defendants Clare Mills and as yet undetermined John Doe Nos. 1-10 (collectively "Defendants"), pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57. CFG seeks relief under the Anticybersquatting Consumer Protection Act, codified at 15 U.S.C. § 1125(d), for Defendants' registration of a domain name, CITIZENSBANK.ORG, that is confusingly similar to CFG's distinctive mark and evidences a bad faith intent to profit from CFG's mark.

**PARTIES**

2. CFG is a registered bank holding company organized and existing under the laws of Delaware, with its principal place of business in Providence, Rhode Island. CFG currently operates six subsidiary banks, including Citizens Bank of Rhode Island, Citizens Bank of Massachusetts, Citizens Bank New Hampshire, Citizens Bank of Connecticut, Citizens Bank of Pennsylvania, and Citizens Bank (Delaware) which together operate approximately 800 retail banking offices in seven states. CFG also has other affiliates and operating subsidiaries which



provide other financial services (including trust and asset management services and commercial credit services) throughout the country.

3. On information and belief, defendant Clare Mills is an individual with an address at 226 Main Road, Lake Mary, Florida, 32746.

4. John Does Nos. 1-10 are unknown individuals or entities acting in concert with, or using the alias of, Clare Mills.

### **JURISDICTION AND VENUE**

5. This is an action for declaratory judgment pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57 for a declaration of the rights and/or other legal relations of the parties to this litigation with respect to an actual controversy arising under the trademark laws of the United States, 15 U.S.C. § 1125(d).

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1332, and 1338. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

7. Venue over the claims stated in this complaint is proper in this district under 28 U.S.C. § 1391.

### **FACTS**

8. CFG has continuously been using the name CITIZENS and CITIZENS BANK in commerce in connection with banking and financial services in various forms since 1871 and up to and including the present time.

9. CFG is the owner of the following federally-registered trademarks featuring the terms CITIZENS or CITIZENS BANK as the dominant portion:



| <u>Mark:</u>                          | <u>Registration No.:</u> | <u>Registration Date:</u> |
|---------------------------------------|--------------------------|---------------------------|
| CITIZENS ASSET MANAGER<br>ACCOUNT     | 2,698,547                | 3/18/2003                 |
| CITIZENS BANK [and design]            | 2,634,833                | 10/15/2002                |
| CITIZENS BANK [& design]              | 2,668,486                | 12/31/2002                |
| CITIZENS BANK [and design]            | 2,482,203                | 8/28/2001                 |
| CITIZENS BANK BIZMART<br>[& design]   | 2,563,354                | 4/23/2002                 |
| CITIZENS BANK BUSINESS<br>ONLINE      | 2,657,801                | 12/10/2002                |
| CITIZENS BANK OF<br>PENNSYLVANIA      | 2,792,200                | 12/09/2003                |
| CITIZENS BANK ONLINE                  | 2,407,272                | 11/21/2000                |
| CITIZENS CIRCLE                       | 2,228,415                | 3/02/1999                 |
| CITIZENS CIRCLE<br>OF SUCCESS         | 2,803,423                | 1/06/2004                 |
| CITIZENS INNER CIRCLE                 | 2,692,501                | 3/04/2003                 |
| CITIZENS INVESTMENT<br>SERVICES CORP. | 2,744,114                | 7/29/2003                 |
| CITIZENS NOUVELLE<br>CREDIT PROGRAM   | 2,245,710                | 5/18/1999                 |
| CITIZENS PHONEBANK                    | 2,347,599                | 5/02/2000                 |
| CITIZENS RETIREMENT<br>CHOICE         | 2,462,640                | 6/19/2001                 |
| CITIZENS SELECT                       | 2,226,579                | 2/23/1999                 |

10. CFG has used its family of marks in connection with its retail and commercial banking services and related financial services through its brick and mortar operations throughout New England, and the mid-Atlantic states.

11. CFG uses CITIZENS BANK globally as its Internet domain name:  
*www.citizensbank.com.*

12. CFG uses its Internet domain name in connection with its retail and commercial banking services and related financial services. At CFG's web site, individuals can engage in online banking and gain access to information about CFG's banking and financial services.

13. Defendants registered or acquired the domain name CITIZENSBANK.ORG on or about October 1, 2003 under the Registrant Name Clare Mills.



14. The phone number, 1.5555555555, and e-mail address, redherring68@hotmail.com, provided by Defendants for the registration of the CITIZENSBANK.ORG domain name appear on their face to be deliberately misleading and false contact information.

15. Defendants are not using the Internet site CITIZENSBANK.ORG. The website presently states that it is "Coming Soon" and provides only a domain name search function.

16. On information and belief, Defendants do not have any legitimate rights in the name CITIZENS BANK.

### **COUNT I**

(Cyberpiracy, 15 U.S.C. § 1125(d))

17. CFG repeats and realleges paragraphs 1 - 16 of this complaint.

18. Defendants' registration of CFG's trademark in the CITIZENSBANK.ORG domain name is confusingly similar to the distinctive marks held by CFG.

19. Defendants have a bad faith intent to profit from the use of CFG's mark.

20. Defendants have no reasonable grounds for believing that the use of the CITIZENSBANK.ORG domain name is a fair use or is otherwise lawful.

21. Defendants have registered and/or used the CITIZENSBANK.ORG domain name in violation of 15 U.S.C. § 1125(d).

22. By reason of Defendants' cyberpiracy, CFG has been damaged and will continue to be damaged.

WHEREFORE, plaintiff CFG respectfully asks this Court to enter judgment in its favor and against defendants Clare Mills and John Doe Nos. 1 through 10,



- (a) Adjudging and declaring that Defendants cannot use the domain name CITIZENSBANK.ORG or any other domain name that incorporates the term CITIZENS BANK; that the use of the domain name CITIZENSBANK.ORG is confusingly similar to the CITIZENS BANK marks held by CFG; and that Defendants' use of the domain name CITIZENSBANK.ORG infringes on CFG's statutory and/or common law rights in and to the CITIZENS BANK mark;
- (b) Ordering Defendants to transfer and assign the CITIZENSBANK.ORG domain name to CFG, as authorized by 15 U.S.C. § 1125(d)(1)(C);
- (c) Awarding CFG damages as a result of Defendants' violation of 15 U.S.C. § 1125(d), as authorized by 15 U.S.C. § 1117(a) and (d);
- (d) Awarding CFG its costs of suit and reasonable attorneys' fees, as authorized by 15 U.S.C § 1117; and
- (e) Granting CFG such other and further relief as the Court deems just and proper.

Respectfully submitted,

CITIZENS FINANCIAL GROUP, INC.

By its attorneys,



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